REMARKS

Claims 1, 4-6, and 8-11 are pending in the application. In the non-final Office Action of November 27, 2006, the Examiner made the following disposition:

A.) Rejected claims 1, 5, 6, and 8-11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.* and further in view of *Gozdz et al.*

B.) Rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.* in view of *Gozdz et al.* and further in view of *Wedlake.*

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

A.) Rejection of claims 1, 5, 6, and 8-11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.* and further in view of *Gozdz et al.*:

Applicants respectfully disagree with the rejection.

Referring to Applicants' Figure 1 as an illustrative example, claim 1, as amended, claims an outer covering member 2 including a laminated film having an outermost layer. The outer covering member has a first outer covering member and a second outer covering member, the first outer covering member and the second outer covering member being a single common piece of material. The first outer covering member has a recessed portion accommodating a battery element 1. The second outer covering member extending from one side of the first outer covering member and folded onto the first outer covering member covering the battery element and the recessed portion.

The battery element 1 is contained in the outer covering member and heat sealed therein. The battery element has a first end at which first wound edges are located and a second end, which is opposite the first end, at which second wound edges are located.

A first gas absorbable member 5 is positioned at the first end of the battery element adjacent the first wound edges of the battery element and positioned between the battery element and the outer covering member. A second gas absorbable member 6 is positioned at the second end of the battery element adjacent the second wound edges of the battery element and positioned between the battery element and the outer covering member. The first and second gas absorbable members are not part of the laminated film nor the gas absorbable material and resin material.

A gas absorbable material and resin material is interposed between the outermost layer of the outer covering member and the battery element.

This is clearly unlike *Chaloner-Gill* in view of *Bullock* and further in view of *Gozdz,* which fails to disclose or suggest Applicants' claimed first and second gas absorbable members. The Examiner argues that *Chaloner-Gill's* membrane 31 discloses Applicants' claimed first and second gas absorbable members, however Applicants disagree. The Examiner also argues that *Chaloner-Gill's* membrane 31 discloses Applicants' claimed gas absorbable material and resin material. So, it appears that the Examiner argues that *Chaloner-Gill's* membrane 31 teaches Applicants' claimed 1) first gas absorbable member, 2) second gas absorbable member, and 3) gas absorbable material and resin material.

Unlike Applicants' claimed first and second gas absorbable members, *Chaloner-Gill's* membrane 31 is part of its outer covering 5. Applicants' first and second gas absorbable members are positioned between the battery element and Applicants' outer covering member, and are not a part of Applicants' claimed laminated film. Therefore, *Chaloner-Gill's* membrane 31 fails to disclose or suggest Applicants' claimed first and second gas absorbable members. *Bullock* and *Gozdz* also fail to disclose or suggest first and second gas absorbable members that are located between a battery element and an outer covering member. For at least this reason, the cited references fail to disclose or suggest claim 1.

Claims 5, 6, and 8-11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.* in view of *Gozdz et al.* and further in view of *Wedlake*:

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 is allowable over *Chaloner-Gill* in view of *Bullock et al.* and further in view of *Gozdz* as discussed above. *Wedlake* still fails to disclose or suggest Applicants' claimed first and second gas absorbable members. Therefore, *Chaloner-Gill* in view of *Bullock et al.* and *Gozdz* and further in view of *Wedlake* still fails to disclose or suggest claim 1.

Claim 4 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1, 4-6, and 8-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,



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